

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SERVANDO TREVINO, JR.,)
)
 Defendant.)

No. 4:05CR690RWS

ORDER

This matter is before me on the pretrial motions filed by Servando Trevino, Jr.

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Frederick Buckles.

Judge Buckles held a hearing on the motions. At the hearing, counsel presented arguments but no testimony or evidence in support of their respective positions. On August 20, 2007, Judge Buckles issued a Report and Recommendation that Mr. Trevino's motions be denied.

Servando Trevino filed his written objections to Judge Buckles recommendations on April 30, 2007.

I have concluded a de novo review of the hearing and the legal memoranda filed by the parties. I adopt the thoughtful and thorough reasoning of Magistrate Judge Buckles denying the defendant's motions.

Motions to Dismiss.

The Indictment is not multiplicative.

Servando Trevino, Jr., argues that the indictment should be dismissed because it is multiplicatus. However, as discussed by Judge Buckles, because the conspiracy count

and substantive counts of money laundering are separate offenses Mr. Trevino's argument that charging such offenses separately renders the indictment multiplicatus is without merit and is denied.

Count I is not Duplicitous.

Trevino also argues that Count I of the indictment improperly charges two separate offenses and as a result improperly combines two separate conspiracies in one count. I adopt Judge Buckles thoughtful and thorough analysis and reach the same conclusion: charging a conspiracy to commit the general offense in more than one way does not render a count duplicitive.

Trevino's motion to dismiss count I as duplicitive is denied.

Counts II through IX are properly stated.

Trevino next argues that the acts alleged in counts II through IX no not constitute an offense under 18 U.S.C. § 1957. Judge Buckles has thoughtfully analyzed the offenses as alleged in Counts II through IX. I adopt Judge Buckles reasoning and Trevino's motion to dismiss Counts II through IX is denied.

Discovery Motions.

Mr. Trevino has also filed motions seeking discovery or disclosure from the government. I adopt Judge Buckles ruling on each of these discovery motions.

Motion to Sever.

There is no basis for severance.

Mr. Servando Trevino also seeks a severance and separate trial from co-defendant


Jorge Trevino. Jorge Trevino's whereabouts are unknown and he has not been arrested, or appeared in this case. Because the case is proceeding to trial without Jorge Trevino, the motion to sever is denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED defendant Servando Trevino, Jr.'s Motion To Dismiss Indictment for Multiplicity [#36], Motion to Dismiss Count I as Duplicitous [#35], and Motion to Dismiss Counts II through IX of the Indictment [#34], are denied.

IT IS FURTHER ORDERED that based on my *de novo* review of the record, the Report and Recommendation of the United States Magistrate Judge [#48] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FINALLY ORDERED that this matter is set for a jury trial on my docket beginning **Monday July 2, 2007 at 9:00 a.m.**



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 15th day of May, 2007.